

Honorable Richard A. Jones
Honorable Brian A. Tsuchida

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARSHA LINEHAN, an individual; and
BEHAVIORAL TECH RESEARCH, INC., a
Washington corporation,

Plaintiffs,

v.

MARIE INSTITUTE OF BEHAVIORAL
TECHNOLOGY d/b/a THE LINEHAN
INSTITUTE, a Washington nonprofit
corporation; and BEHAVIORAL
TECH, LLC, a Washington limited liability
company,

Defendants.

Case No. 2:21-cv-01330-RAJ-BAT

STIPULATION AND ~~[PROPOSED]~~
ORDER REGARDING CERTAIN RELIEF

NOTED:
February 8, 2022

The parties, by and through their undersigned counsel, in lieu of further briefing and the Court's consideration of the Motion for Preliminary Injunction ("PI Motion") filed by Plaintiffs Marsha Linehan and Behavioral Tech Research, Inc. on January 19, 2022, stipulate to the following:

STIPULATION & ~~[PROPOSED]~~ ORDER - 1
NO. 2:21-CV-01330-RAJ-BAT

CAIRNCROSS & HEMPELMANN, P.S.
ATTORNEYS AT LAW
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Seattle, Washington 98104-2323
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1. Defendants dispute the merits of the PI Motion, including, among other things, the probability of Plaintiffs' success on the merits in the underlying civil action. Notwithstanding the foregoing, Defendants are willing to agree to the relief sought by Plaintiffs during the pendency of the underlying civil action, but not for any further length of time absent further order of this Court or agreement of the parties.
2. The parties wish to enter into this stipulation only to save party and Court resources. Accordingly, the parties agree that this stipulation cannot be used by either party to evidence that either party is the "substantially prevailing party," "prevailing party," or otherwise in support of any motion or claim that a party is entitled to attorney fees, costs, or similar award(s).
3. Within 48 hours following the entry of this [Proposed] Order, Plaintiffs will withdraw their PI Motion pursuant to LCR 7(l).
4. The language of the stipulated [Proposed] Order is set forth below and incorporated hereto by reference.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

~~PROPOSED~~ ORDER

It is so ORDERED that pursuant to the parties' stipulation:

Marie Institute of Behavioral Technology d/b/a The Linehan Institute and Behavioral Tech, LLC, along with their officers, agents, servants, employees, attorneys, and any persons in active concert or participation with them, are hereby enjoined from directly or indirectly:

(1) Continuing to use Dr. Linehan's name or likeness in the promotion of their businesses, including but not limited to by continuing to do any of the following:

1 (a) As to Defendant Marie Institute, holding itself out and doing business as the
2 “Linehan Institute,” on its website, in any promotional materials of any kind;

3 (b) As to Defendant Marie Institute, using the URL <https://linehaninstitute.org> for
4 its website;

5 (c) As to both Defendants, using Dr. Linehan’s name or likeness on their respective
6 websites;

7 (d) As to Defendant BTech, claiming on its website that Dr. Linehan is one of its
8 trainers and/or promoting any courses, trainings, or videos purportedly taught by or
9 featuring Dr. Linehan.

10 (2) Nothing in this Order is intended to usurp or otherwise disturb permissible use and
11 uses pursuant to Fair Use doctrines.

12 (3) The parties shall work in good faith to avoid disputes during the pendency of this
13 action, including the use of a 5-day notice and cure period prior to bringing motions in any way
14 related to this Order.

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16 The parties agree that this Order shall take effect 21 days from the date of entry and shall remain
17 in effect for the pendency of this lawsuit, unless good cause is shown for, or the parties stipulate
18 to, an extension of this Order.

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20 DATED this 15th day of February, 2022.

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24 The Honorable Richard A. Jones
25 United States District Judge
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